IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6377 OF 2006

M/s.Sunnygold Wineries Pvt.Ltd. Petitioner
versus
State of Maharashtra & another Respondents

Mr.D.B.Sawant for petitioner.
Mr.S.R.Nargolkar, AGP for respondents 1 and 2.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 12th January 2007

PC :

1. The main contention as urged on behalf of the petitioner is that Exhibit-F to the petition which is a Notification dated 14th August 2006 by which Rules were made known as Maharashtra Country Liquor Rules, 1973 (5th Amendment Rules, 2006) had not been previously published, before they have come into force. Our attention is invited to Section 143 of the Bombay Prohibition Act, 1949. Sub Section (3) of Section 143 reads as under :-

"143(3) The power to make rules under

> this section shall be subject to the condition of previous publication :
>
> Provided that any such rules may be made without previous publication if the State Government considers that they should be brought into force at once."

It is, therefore, clear that considering the proviso, if the rules are to be brought into force at once, then necessity of previous publication is dispensed with. The notification of 14th August 2006 would show that the rules are brought in to force at once. The Preamble to the rules also sets out that the delegate has resorted to the proviso to sub section (3) of Section 143. Considering that, in our opinion, there is no merit in the contentions.

2. The learned counsel then contends that the rules have not been tabled on the floor of the House, as contemplated by sub section (4) of Section 143. This point is not raised in the petition. Considering that, the above petition is disposed off.

(R.V.MORE, J.) (F.I.REBELLO, J.)